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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,938	01/29/2004	Stanley R.J. Ross	B552 0003	1820

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EXAMINER
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THEISEN, DOUGLAS J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/765,938

Applicant(s)

ROSS ET AL.

Examiner

Douglas J. Theisen

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>012904</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: In paragraph 13, line 5 “is” should be “its”. In paragraph 26, line 10 of the paragraph “”convention” should be “conventional”.

Appropriate correction is required.

2. Claim 7 is objected to because of the following informalities: In line 4 “horizontally” should be “horizontal”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 8, 9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent no. 5,807,095 to Gustafson et al. in view of U.S. patent no. 4,066,098 to Gallo. Gustafson describes a flare tank apparatus comprising a degasser (flare tank 200) having an inlet port (inlet line 214), a liquid outlet port (outlet 215) and a gas outlet port (to chimney stack 213); a holding tank (holding tank 201) operatively connected to the liquid outlet port of the degasser; a flare stack (chimney stack 213; an inlet conduit operatively connected at one end thereof to the inlet port of the degasser and adapted to be connected at a second end thereof to a flare line (flare line 215). The holding tank 201 has a fitting 221 to allow emptying the holding tank 201. See figures 6 and 8 and column 3, line 62 to column 4, line 43. Gustafson does not describe an inlet

Art Unit: 1724

conduit comprising at least two connectors which permit components of the inlet conduit to swivel relative to each other. Gustafson does not describe an inlet conduit comprising at least four elbows each defining an angle of approximately 90 degrees. Gustafson does not describe an inlet conduit comprising a conduit section that connects to a flare line in a substantially horizontal position. Gustafson does not describe a second end of an inlet conduit positioned for generally horizontal connection to a flare line. Gustafson does not describe that the connectors are adapted to swivel at least a portion of the inlet conduit into a position adjacent to a side wall of the holding tank. Gustafson does not describe including a suction pipe extending between a position within the holding tank and a position outside of the holding tank. Gustafson does not describe there are two connectors. Gustafson does not describe there are three connectors. Gallo describes a conduit (triple swivel assembly 14) comprising at least two connectors (horizontal swivel 16, vertical swivel 18, and manifold swivel 20) which permit components of the conduit to swivel relative to each other. Gallo describes a conduit comprising at least four elbows each defining an angle of approximately 90 degrees. Gallo describes a conduit section that can connect to a line in a substantially horizontal position. Gallo describes a second end of a conduit positioned for generally horizontal connection to a line. Gallo describes connectors that are adapted to swivel at least a portion of the conduit vertically or horizontally. Gallo describes there are two connectors. Gallo describes there are three connectors. See figure 1 and column 3, line 61 to column 4, line 6. At the time of the invention, it would have been obvious to one of ordinary skill in the art to provide Gustafson with the triple swivel assembly of Gallo in order to be able to position the portable flare tank of Gustafson in relation to a flare line and to connect the inlet conduit

Art Unit: 1724

by swiveling the connectors for proper alignment. At the time of the invention, it would have been obvious to one of ordinary skill in the art to provide the fitting 221 on holding tank 201 of Gustafson with a suction pipe extending between a position within the holding tank and a position outside of the holding tank in order to provide a pump that provides suction to empty the holding tank. In claim 9, the phrase “are adapted to swivel at least a portion of said inlet conduit into a position adjacent to a side wall of said holding tank” is interpreted as an intended use of the connectors and is given no patentable weight. This phrase provides no structural limitation to the connectors. The connectors in Gallo are capable of being adapted to swivel at least a portion of an inlet conduit into a position adjacent to a side wall of a holding tank.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafson and Gallo as applied to claims 1-3, 8, 9, and 11-13 above, and further in view of U.S. patent no. 4,666,471 to Cates. Gustafson and Gallo describe essentially the apparatus as claimed, supra, except for that the degasser includes a wear plate spaced from the inlet port of the degasser. Cates describes a wear plate (wear plate assembly 146) spaced from the inlet port (conduit 88) of the degasser (separator 76). See figure 6 and column 4, lines 42-62. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the inlet line of Gustafson with a wear plate as in Cates in order to protect the area of the inlet from wear because of the inflowing liquid.

*Allowable Subject Matter*

6. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: U.S. patent no. 5,807,095 to Gustafson et al. and U.S. patent no. 4,066,098 to Gallo describe the following combination of applicant's features: Gustafson describes a flare tank apparatus comprising a degasser (flare tank 200) having an inlet port (inlet line 214), a liquid outlet port (outlet 215) and a gas outlet port (to chimney stack 213); a holding tank (holding tank 201) operatively connected to the liquid outlet port of the degasser; a flare stack (chimney stack 213; an inlet conduit operatively connected at one end thereof to the inlet port of the degasser and adapted to be connected at a second end thereof to a flare line (flare line 215). The holding tank 201 has a fitting 221 to allow emptying the holding tank 201. See figures 6 and 8 and column 3, line 62 to column 4, line 43. Gustafson does not describe an inlet conduit comprising at least two connectors which permit components of the inlet conduit to swivel relative to each other. Gallo describes a conduit (triple swivel assembly 14) comprising at least two connectors (horizontal swivel 16, vertical swivel 18, and manifold swivel 20) which permit components of the conduit to swivel relative to each other. Gustafson and Gallo do not describe the above in combination with applicant's features of the holding tank being an open-topped tank having side walls and a bottom wall and the degasser being positioned within the holding tank and extending upwardly therefrom.

Art Unit: 1724

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

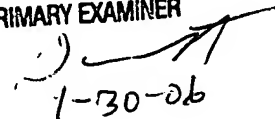
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Theisen whose telephone number is 571-272-1168. The examiner can normally be reached on Monday, Tuesday, and Wednesday 6:30 until 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

djt

DUANE SMITH  
PRIMARY EXAMINER

  
1-30-06